IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Tr.P(C).No. 137 of 2007()

OS.1259/2003 of I ADDL.M.C.,ERNAKULAM
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PETITIONER/IST DEFENDANT

K.VASUDEVAN PILLAI, AGED 58 YEARS,
S/O.KRISHNA PILLAI, VAS PHARMACEUTICALS,
THOPPIL ESTATE, JANATHA, VYTTILA, COCHIN - 19.

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENTS: PLAINTIFF & DEFENDANTS 2 & 3
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1. GEORGE, AGED 50 YEARS, S/O.RAPHEL,
CHERAMEPPARAMBIL HOUSE, ELAMKULAM,
ERNAKULAM.

2. HARIHARA MENON, AGED 62 YEARS,
S/O.SREEDHARA MENON, PADINJARETHOTTUNKAL HOUSE,
VADAKKUMTHODAN LANE, PALLURUTHI, COCHIN - 6.

3. K.MADHU, AGED 36 YEARS,
S/O.K.N.KARUNAKARA KAIMAL,
KALATHIPARAMBIL, PANAVALLI,
POOTHAKKAL, CHERTHALA.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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Tr.P.C. NO. 137 OF 2007

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Dated this the 21st day of June, 2007.

J U D G M E N T

This Transfer petition is filed to transfer O.S.1259/03 pending before the 1st Addl. Munsiff Court, Ernakulam to some other Court. The ground alleged is that on an earlier occasion the petitioner moved some applications before the High Court and it has resulted in annoyance to the Presiding Officer and thereafter he has not been granting accommodation or adjournment and therefore he apprehends that he will not get justice from that Court. He moved the Transfer Petition before the learned District Judge, Ernakulam and a perusal of the order would show that the case had been listed on innumerable number of occasions and it had undergone equal number of adjournments as well. The anxiety of the Judicial Officer appears to be only to dispose of the matter and it cannot be classified as a bias or

prejudiced. So, there exists no ground to transfer the case and therefore the transfer petition is dismissed. However, it is made clear that whenever accommodation or adjournment is felt absolutely necessary it shall not be denied just because the Transfer Petitioner has come to this Court for transfer of the case.

The Tr.P.C. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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